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Attorneys for Defendant BAC Home Loans Servicing, LP

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
AT MEDFORD

EDWARD & RENEE FISHER,

PLAINTIFF,

v.

BANK OF AMERICA HOME LOANS,

DEFENDANT.

Case No. 10-3079-PA

**RESPONSE TO PLAINTIFFS'
MOTION FOR RECONSIDERATION
ON NO ANSWER DEFAULT**

Plaintiffs have moved for reconsideration of this court's order denying their motion for a default judgment and granting defendant BAC Home Loans Servicing, LP until October 1 to enter a first appearance.

The motion for reconsideration should be denied. Motions for default are disfavored, and decisions on them are left to the sound discretion of the court. *Enron Oil Corp. v. Masonori Diakuhara*, 10 F.3d 90, 95-96 (2d Cir. 1993). Here, the court correctly concluded that a default was not warranted. Plaintiffs filed the motion for default on September 13 (Docket #15), and defendant requested an extension of time to file a first appearance on September 14

(Docket #16). The court did not err in denying the motion and giving defendant until October 1 to respond to the complaint. Nor will plaintiffs be prejudiced by the short extension of time for defendant to appear. In accordance with the court's order, defendant is filing a motion to dismiss today.

DATED this 1st day of October, 2010.

DAVIS WRIGHT TREMAINE LLP

By /s/ P. Andrew McStay, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing **RESPONSE TO PLAINTIFFS' MOTION FOR RECONSIDERATION ON NO ANSWER DEFAULT** on:

Edward and Renee Fisher
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Medford, OR 97504
ed.renee.fisher@gmail.com

Plaintiffs Pro Se

☒ by mailing a copy today in a sealed, first-class postage prepaid envelope, addressed to plaintiffs' address listed above and deposited in the U.S. mail at Portland, Oregon;

☒ by emailing a copy today to plaintiffs' email address listed above.

DATED this 1st day of October, 2010.

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